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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 SUSHOVAN HUSSAIN,

20 Defendant.
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Case No. 3:16-cr-00462-CRB

**STIPULATION AND ~~PROPOSED~~ ORDER
REGARDING BRIEFING SCHEDULE
FOR EXPERT DISCLOSURES AND
RELATED MOTIONS IN LIMINE**

MODIFIED

Judge: Hon. Charles R. Breyer

Date Filed: November 10, 2016

Trial Date: February 26, 2018

STIPULATION RE: EXPERT DISCLOSURES AND RELATED MOTIONS IN LIMINE

The United States and Defendant Sushovan Hussain, acting by and through their counsel, hereby stipulate as follows:

WHEREAS, on August 8, 2017, the Court entered a schedule ordering that: (1) the United States serve a summary pursuant to Rule 16 of the Federal Rules of Criminal Procedure for each expert witness that it intends to call at trial in its case-in-chief on or before October 27, 2017, *see* Dkt. 100 (“Schedule”) ¶ 7; (2) Defendant serve the same for each expert witness that he intends to call at trial in his case-in-chief on or before November 17, 2017, *id.* ¶ 8; (3) the United States serve the same for each expert witness that it intends to call at trial in rebuttal to expert testimony offered by Defendant on or before December 8, 2017, *id.* ¶ 11; (4) motions in limine are to be filed on or before December 8, 2017, *id.* ¶ 12; (5) oppositions to motions in limine are to be filed on or before December 22, 2017, *id.* ¶ 13; (6) replies to motions in limine are to be filed on or before January 5, 2018, *id.* ¶ 14; (7) motions in limine shall be heard by the Court on February 6, 2018, at 2:30pm, *id.* ¶ 17; and (8) trial shall commence on February 26, 2018, *id.* ¶ 18;

WHEREAS, on October 24, 2017, the Court granted the parties’ stipulation to (1) extend the deadline for the United States to serve its Rule 16 summary for any expert witnesses it intends to call in its case-in-chief to October 31, 2017, and (2) extend the deadline for Defendant to serve its Rule 16 summary for any expert witnesses he intends to call in his case-in-chief to November 21, 2017, Dkt. No. 128;

WHEREAS, Defendant now seeks a modification to the Schedule, as amended, that would extend the deadline for him to serve his Rule 16 summary for any expert witness he intends to call in his case-in-chief from November 21, 2017, to December 5, 2017;

WHEREAS, the United States agrees to Defendant’s requested schedule modification on the condition that the deadline is extended for the United States to (1) serve its Rule 16 summary for any expert witness it intends to call in rebuttal to expert testimony offered by Defendant from December 8, 2017, to January 3, 2018, and (2) file any motion in limine regarding any expert witness that Defendant intends to call in his case-in-chief from December 8, 2017, to January 10, 2018;

1 WHEREAS, Defendant agrees to the United States' requested schedule modification on
2 the condition that Defendant may file any motion in limine regarding any rebuttal expert
3 witnesses disclosed by the United States by January 10, 2018 (there is no such date currently set);

4 WHEREAS, the requested modifications would further require the Court to set deadlines
5 for the parties to file oppositions and replies in support of any motions in limine regarding any
6 expert witness that Defendant discloses and any rebuttal expert witness that the United States
7 discloses;

8 WHEREAS, the parties agree that the Court need not set a separate hearing date from the
9 one currently set for all motions in limine, which is February 6, 2018, at 2:30pm;

10 NOW, THEREFORE, counsel for the United States and Defendant hereby agree, subject
11 to the Court's approval, that:

- 12 1. Defendant shall serve a Rule 16 summary for any expert witness he intends to call
13 in his case-in-chief by December 1, 2017;
- 14 2. The United States shall serve a Rule 16 summary for any expert witness it intends
15 to call in rebuttal to any expert testimony offered by Defendant by December 29,
16 2017;
- 17 3. The United States' shall file any motion in limine regarding any expert witness
18 disclosed by Defendant by January 8, 2018;
- 19 4. Defendant shall file any motion in limine regarding any rebuttal expert witness
20 disclosed by the United States by January 8, 2018;
- 21 5. Defendant shall file any opposition to any motion in limine filed by the United
22 States regarding any expert witness disclosed by Defendant by January 22, 2018;
- 23 6. The United States shall file any opposition to any motion in limine filed by
24 Defendant regarding any rebuttal expert witness disclosed by the United States by
25 January 22, 2018;
- 26 7. The United States shall file any reply in support of any motion in limine it files
27 regarding any expert witness disclosed by Defendant by January 29, 2018;

8. Defendant shall file any reply in support of any motion in limine it files regarding any rebuttal expert disclosed by the United States by January 29, 2018.

Respectfully submitted,

Dated: November 13, 2017

KEKER, VAN NEST & PETERS LLP

By: /s/ Brook Dooley

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BROOK DOOLEY
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IAN KANIG

Attorneys for Defendant
SUSHOVAN HUSSAIN

Dated: November 13, 2017

ALEX G. TSE
Attorney for the United States
Acting under Authority Conferred by
28 U.S.C. § 515

By: /s/ Robert S. Leach

ADAM A. REEVES
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Assistant United States Attorneys

Attorneys for United States of America

CERTIFICATION OF CONCURRENCE FROM OTHER PARTIES

I, Brook Dooley, am the ECF user whose ID and password are being used to file this STIPULATION AND PROPOSED ORDER REGARDING BRIEFING SCHEDULE FOR EXPERT DISCLOSURES AND RELATED MOTIONS IN LIMINE. In compliance with N.D. Cal. Civ. L.R. 5-1(i)(3), I hereby attest that each of the signatories has concurred in the filing of this document and has authorized the use of his or her electronic signature.

/s/ Brook Dooley
BROOK DOOLEY

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 15, 2017



HONORABLE CHARLES R. BREYER
United States District Judge